

ORIGINAL

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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

Attorney for Plaintiff

JAN 13 2006

at 2 o'clock and 05 min. PM
 SUE BETTA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOHN McALLISTER;	)	CIVIL NO. CV-04-00625 JMS-BMK
)	
Plaintiff,	)	PLAINTIFF'S MEMORANDUM IN
	)	OPPOSITION TO DEFENDANT JANE
vs.	)	CALFEE'S MOTION FOR LEAVE TO
	)	FILE MOTIONS IN LIMINE FILED
UNIVERSITY OF HAWAII;	)	1/9/06; CERTIFICATE OF SERVICE
KAPIOLANI COMMUNITY COLLEGE;)	
JANE CALFEE, Instructor at)	
Kapiolani Community College;)	
RICHARD DOE, Academic Counselor)	
at Kapiolani Community College;)	
JILL MAGNAGON, Director of)	
Academic Counseling Services at)	
Kapiolani Community College;)	
MONA LEE, Dean of Student Services)	
Kapiolani Community College,	)	(Non-Hearing Motion)
)	
Defendants.	)	Judge: Hon. J. Michael Seabright
	)	Trial Date: March 27, 2006

PLAINTIFF'S MEMORANDUM IN OPPOSITION
 TO DEFENDANT JANE CALFEE'S MOTION FOR
LEAVE TO FILE MOTIONS IN LIMINE FILED 1/9/06

Comes now Plaintiff JOHN McALLISTER, by and through his attorney of record,

André S. Wooten, who hereby files this Memorandum in Opposition to Defendant Jane Calfee's

Motion for Leave to file five Motions in Limine, months after the deadline for Motions in Limine to be filed in the above-entitled matter.

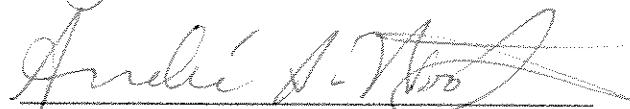
This case was continued solely because John Morton, chancellor of Kapiolani Community College, and an essential witness for the Defendants, is suffering from a serious medical condition, and for no other reason. The trial, therefore, should have commenced on time on October 15, 2005.

Defendant University of Hawaii has used this interim time to attempt to bolster its case by retaining additional counsel, a respected law firm, which, in attempting to do its job, is attempting to trample upon the rights of the Plaintiff.

Plaintiff's counsel is presently engaged in a jury trial before the Honorable Marvin Aspen in the Federal Court of the Hawaii District and has personal business taking me out of the country from January 18 to February 2. Consequently, based upon our previous plans and airline tickets to be purchased, we will not be available to respond to any such tardily filed Motions in Limine during that period of time. Once we return, we have a trial also set February 27, and this trial is set for March 7, 2006. Once we return on February 2, our efforts are dedicated toward preparing for our February 27 trial, as well as the March 7 trial of this particular matter. Consequently, Plaintiff would be severely prejudiced if Defendant Jane Calfee were able to purchase more time to file additional Motions in Limine as the Plaintiff does not have the substantial financial deep pockets of the State and prefers a level playing field in this and all other cases.

DATED: Honolulu, Hawaii,

Jan 12, 2006



Andre' S. Wooten

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOHN McALLISTER;	)	CIVIL NO. CV-04-00625 SOM-BMK
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
UNIVERSITY OF HAWAII;)	
CAPIOLANI COMMUNITY COLLEGE;)	
JANE CALFEE, Instructor at)	
Kapiolani Community College;)	
RICHARD DOE, Academic Counselor)	
at Kapiolani Community College;)	
JILL MAGNAGON, Director of)	
Academic Counseling Services at)	
Kapiolani Community College;)	
MONA LEE, Dean of Student Services)	
Kapiolani Community College,)	
)	
Defendants.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following parties at their last-known address by either hand delivery or U.S. Mail, postage prepaid, on

Jan 13, 2006

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JANE CALFEE

DATED: Honolulu, Hawaii,

Jan 12, 2006


ANDRE' S. WOOTEN

Attorney for Plaintiff